

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

TRUEPOSITION, INC.,

Plaintiff,

v.

LM ERICSSON TELEPHONE COMPANY
(TELEFONAKTIEBOLAGET LM ERICSSON),
QUALCOMM, INC.,
ALCATEL-LUCENT USA, INC.,
EUROPEAN TELECOMMUNICATIONS
STANDARDS INSTITUTE and
THIRD GENERATION PARTNERSHIP
PROJECT a/k/a 3GPP,

Defendants.

CIVIL ACTION

No. 11-4574

ORDER

AND NOW, this 9th day of October, 2013, upon consideration of Plaintiff TruePosition, Inc.'s Motion for Judgment on the Pleadings Concerning the Counterclaims and Certain Affirmative Defenses of Defendant Third Generation Partnership Project (Doc. No. 186), and the Response and Reply thereto, it is hereby **ORDERED** that the Motion is **GRANTED**.

IT FURTHER ORDERED that:

1. Defendant Third Generation Partnership Project's Counterclaim Counts I, II, III and IV are **DISMISSED**;
2. Defendant Third Generation Partnership Project's Affirmative Defenses thirteen, fourteen and fifteen, which are based upon the same grounds as Counterclaim Counts I, III and IV, are **STRICKEN** as redundant and legally insufficient; and

3. Defendant Third Generation Partnership Project's request for leave to amend is **DENIED** as futile.

BY THE COURT

/s/ Robert F. Kelly
ROBERT F. KELLY
SENIOR JUDGE